

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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DOUGLAS J. HORN and CINDY HARP-HORN,

Plaintiffs,

- vs -

MEDICAL MARIJUANA, INC., DIXIE ELIXIRS  
AND EDIBLES, RED DICE HOLDINGS, LLC,  
and DIXIE BOTANICALS,

Defendants.

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**ECF CASE**

**NOTICE OF MOTION**

Case No. 15-cv-701-FPG/MJR

MOTION MADE BY : Defendants, MEDICAL MARIJUANA, INC., and RED DICE HOLDINGS, LLC, by and through their attorneys, Mura & Storm, PLLC, 930 Rand Building, 14 Lafayette Square, Buffalo, New York 14203.

DATE, TIME AND PLACE OF HEARING : Date and time of hearing to be determined by the Hon. Frank P. Geraci, with place of hearing to be United States District Court, Western District of New York, 100 State Street, Rochester, New York 14614.

SUPPORTING PAPERS : This notice of motion; movants' Statement of Material Facts; Declaration of Roy A. Mura, Esq. dated August 30, 2018, with attached exhibits A through H; Declaration of Stuart W. Titus, PhD, dated August 29, 2018; Declaration of Michelle L. Sides, Esq., with attached Exhibit A; and movants' Memorandum of Law dated August 30, 2018.

RELIEF DEMANDED AND GROUNDS THEREFORE : A. An order of this Court pursuant to Fed. R. Civ. P. 12(c) granting judgment on the pleadings to movants, dismissing plaintiffs' complaint, with prejudice; and

- B. an Order of this Court pursuant to Fed. R. Civ. P. 56, granting summary judgment to movants, dismissing plaintiffs' complaint with prejudice; and
- C. such other, further and/or different relief favoring movants as is just and proper.

ANSWERING PAPERS : Pursuant to W.D.N.Y. L.R. 7(b)(2)(A), absent different deadlines set by the Court, plaintiff shall have twenty-eight (28) days from August 30, 2018 to file and serve responding papers to this motion. Movants intend to file and serve reply papers in further support of this motion, and absent deadlines set by the Court, movants shall have fourteen (14) days after service of plaintiffs' responding papers to file and serve reply papers in further support of this motion.

ORAL ARGUMENT : Requested, but to be determined and scheduled by the Court.

Dated: Buffalo, New York  
August 30, 2018

/s/ Roy A. Mura  
Roy A. Mura, Esq.

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